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# California Regional Water Quality Control Board Central Valley Region

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Governor

12 November 2009

Katherine Lawson  
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## **ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R5-2009-0574 FOR ASSESSMENT OF MANDATORY MINIMUM PENALTIES, GOLDEN STATE WATER COMPANY, SACRAMENTO COUNTY**

Enclosed is an Administrative Civil Liability Complaint (Complaint), issued pursuant to California Water Code (CWC) section 13385, for violations of Waste Discharge Requirements Order R5-2008-0081 (NPDES No. CAG995001) by Golden State Water Company (hereafter referred to as "Discharger") for water supply system discharges related to the Arden and Cordova Water Systems. The Complaint charges the Discharger with administrative civil liability in the amount of **three thousand dollars (\$3,000)**, which represents the sum of the statutory mandatory minimum penalties for effluent limitation violations which occurred from 12 June 2008 through 30 September 2009.

On 9 June 2009, Central Valley Water Board staff issued the Discharger a Notice of Violation for the period from 12 June 2008 through 9 December 2008 that included late reporting violations for failure to submit monitoring reports for the 2008 Quarter 3 and 2008 Quarter 4 monitoring periods. Board staff later determined that the monitoring reports were submitted on time, and the late reporting violations have been dismissed. However, these monitoring reports described violations of effluent limitations. This Complaint assesses administrative civil liability for these effluent limitation violations.

The Discharger may either:

- Pay the proposed administrative civil liability and waive its right to a hearing (Option #1 on the attached waiver form);
- Ask that the hearing be postponed to facilitate settlement discussions or for other reasons (Options #2 or #3 on the attached waiver form); or
- Contest the Complaint and/or enter into settlement discussions without signing the enclosed waiver.

If the Central Valley Water Board does not receive a signed waiver **by 14 December 2009**, a hearing will be scheduled for the **27/28/29 January 2010** Board meeting in Rancho Cordova.

This hearing will be governed by the attached Hearing Procedures, which have been approved by the Board Chair for use in adjudicating matters such as this one. Any objections to the Hearing Procedures must be received by Lori Okun, whose contact information is listed in the Hearing Procedures, by **5:00 PM on 25 November 2009**.

If the Discharger chooses to sign the waiver and pay the assessed civil liability, this will be considered a tentative settlement of the violations. The settlement will be considered final pending a 30-day comment period, starting from the date of this Complaint is issued. Interested parties may comment on the proposed action during this period by submitting written comments to the Central Valley Water Board staff person listed below. Should the Central Valley Water Board receive new information or comments during this comment period, the Executive Officer may withdraw the complaint, return payment, and issue a new complaint. If the Central Valley Water Board does not hold a hearing on the matter, and if the terms of the final settlement are not significantly different from those proposed in the enclosed Complaint, then there will not be additional opportunities for public comment on the proposed settlement.

In order to conserve resources, this letter transmits paper copies of the documents to the Discharger only. Interested persons may download the documents from the Central Valley Water Board's Internet website at:

[http://www.waterboards.ca.gov/centralvalley/tentative\\_orders/](http://www.waterboards.ca.gov/centralvalley/tentative_orders/).

Copies of these documents can also be obtained by contacting or visiting the Central Valley Water Board's office weekdays between 8:00 AM and 5:00 PM.

If you have any questions or comments regarding the Administrative Civil Liability Complaint, please contact Spencer Joplin at (916) 464-4660 or [sjoplin@waterboards.ca.gov](mailto:sjoplin@waterboards.ca.gov).

*original signed by*

WENDY WYELS

Supervisor, Compliance and Enforcement Section

Enclosure:      ACL Complaint R5-2009-0574  
                     Hearing Procedures  
                     Waiver Form

cc w/o encl:    Ken Greenberg, U.S. EPA, Region IX, San Francisco  
                     Reed Sato, Office of Enforcement, SWRCB, Sacramento  
                     Patrick Pulupa, Office of Chief Counsel, SWRCB, Sacramento  
                     Lori Okun, Office of Chief Counsel, SWRCB, Sacramento  
                     Emel Wadhwani, Office of Chief Counsel, SWRCB, Sacramento  
                     Ken Landau, Central Valley Water Board, Sacramento  
                     Carol Oz, Department of Fish and Game, Rancho Cordova  
                     Mr. Bill Jennings, California Sportfishing Protection Alliance, Stockton